IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10725 of 2005

Between:

Smt. R. Laxmi W/o. R.V. Mahesh Babu
Ramanthapur, Hyderabad. **..... PETITIONER**

AND

1 The Special Officer Cum Competent Authority Urban Land Ceiling,

Hyderabad.
2 The Special Chief Secretary for Revenue, Secretariat, Hyderabad.
3 The Managing Director, HUDA, Hyderabad.
4 District Collector, Ranga Reddy District.
5 The Commissioner, Kukatpally Municipality,
6 MRO of Balanagar, Ranga Reddy District.
7 Ch. Chittamma W/o. Late Narayana,
Kukatpally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or Writ order one in nature of WRIT OF MANDAMUS to declare the action of the respondent No.1 to 3 in not taking any action on the representation made by the petitioner dt. 6-4-2005 in respect of (Surplus) land situated in Sy.No. 116A, 116AA of Kukatpally village is highly illegal arbitrary and contrary to the provisions made under ULC Act and consequently declare that the inaction of the respondents to conduct a detailed enquiry on tampering of records in ULC office in respect of Land situated in Sy.No. 116A, 116AA if Kukatpally Village, R.R. District and obtaining Hut No's from the 5th respondent office and made construction on the above said land without obtaining regularization orders from the 1st and 2nd respondents on the surplus land situated in S.No. 116A, 116AA of Kukatpally (Village) of R.R. District with a view to knock away the valuable surplus land worth involved crores of rupees is highly illegal arbitrary and contrary to the provisions under the ULC Act and to take necessary action against concerned persons under the ULC Act and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SATYANARAYANA MURTHY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking writ of Mandamus to declare the action of the respondent No.1 in not taking any action on the representation of the petitioner dated 6-4-2005.

So far as the petitioner is concerned, he claims to have purchased 820 Sq. Yards situated in Sy.No.115 with Municipal H.No.2-22-1/4 of Kukatpally village, Bala Nagar Mandal, R.R. District. As the said land was declared as surplus land, she applied to the authorities under the Urban Land Ceiling Act for regularization in terms of G.O.Ms.No.455, Revenue (U.CII) Dept dated 17-12-2003. Even according to the averments made in the affidavit filed in support of this writ petition, she is not having any claim over the land in Sy.No.116. In the affidavit, it is also stated that the 7th respondent, who is the owner of land in Sy.No.116 has already sold the land to third parties and several buildings have come up in the said land. On the ground that the said building owners have filed applications for regularization and records are not properly maintained, she approached this Court. From the representation dated 5-4-2005, which is filed by the petitioner, it is clear that she is defendant in O.S.No.595 of 2003 filed by the owners of the adjoining land in Sy.No.116 and they have obtained injunction orders therein. It is stated that subsequently the said orders are also modified.

Though it is stated that several buildings have come up in the land in Sy.No.116, but such building owners are not made parties to this writ petition. In any event, even according to the averments made in the writ petition, in respect of the land in Sy.No.115, the petitioner has filed application for regularization of the land to the

extent in her possession and orders were also passed regularizing the said land. In that view of the matter, if any applications are filed for regularization of land in Sy.No.116, the petitioner cannot have grievance over the same. Merely because an application is filed by the petitioner, there is no obligation on the respondents to consider the same immediately in absence of any statutory duty caste on them.

In that view of the mater, I do not see any reason to entertain the writ petition at this stage under Article 226 of the Constitution of India. The writ petition is devoid of merits and the same accordingly dismissed at the stage of admission. No costs.

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29-4-2005

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To:

1 The Special Officer Cum Competent Authority Urban Land Ceiling,

Hyderabad.
2 The Special Chief Secretary for Revenue, Secretariat, Hyderabad.
3 The Managing Director, HUDA, Hyderabad.
4 District Collector, Ranga Reddy District.
5 The Commissioner, Kukatpally Municipality,
6 MRO of Balanagar, Ranga Reddy District.

7. Two C.C. to the G.P. for Revenue, High Court Buildings, Hyderabad

8. Two C.D. copies